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Nov. 6

Mr. Russell B. Tobey, Director  
Division of Recreation  
Department of Forestry & Recreation  
State House Annex

Dear Sir:

In a recent conference you have inquired concerning the responsibilities of the Director of Recreation in connection with the administration of the Franconia Notch State Reservation.

I do not have before me the instruments placing the land involved under the jurisdiction of the Forestry and Recreation Commission — I am not aware that such documents exist. However, it is my understanding that the reservation is under the jurisdiction of the Commission as a recreational area. If this be so, the duties of the Director of Recreation in respect to it are clear.

Under the provisions of R. L. c. 233, s. 4 II as inserted by Laws of 1945, c. 181, the Director of Recreation, with the approval of the Governor and Council and under the supervision of the Recreation Commission is required to "execute all matters pertaining to the design, development, administration, operation and maintenance of the recreational facilities and services for public use, on all State, public areas of recreational significance such as state parks, forests, reservations and historic sites, . . .".

By the express terms of the cited statute, therefore, the Legislature has imposed the duties enumerated directly upon the Director of Recreation. He must, of course, operate under the supervision of the Forestry and Recreation Commission and must, on matters of policy obtain the approval of the Governor and Council. But the immediate responsibility for carrying out the enumerated duties lies with the Director of Recreation.

Very truly yours,

Warren E. Waters  
Assistant Attorney General

WEW:RM